



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

September 26, 2005

**Commissioner Tom Moss, Chairman
Commissioner Joe Ford, Chairman Pro Tempore
Commissioner Marilyn Loeffel
Commissioner George Flinn
Commissioner John Willingham
Commissioner Walter Bailey, Jr.
Commissioner Julian T. Bolton**

**Commissioner Deidre Malone
Commissioner Michael Hooks
Commissioner Cleo Kirk
Commissioner Joyce Avery
Commissioner David Lillard
Commissioner Bruce Thompson**

1:30 P.M.

COMMISSION CONVENES

CALL TO ORDER

Deputy Sheriff Ricky Jackson

INVOCATION

**Reverend Rebecca Luter
Minister of Spiritual Formation
Germantown United Methodist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

**LILLARD
ADOPTED**

August 8, 2005

**LILLARD
(DEFERRED
TO 10/10/05)**

August 22, 2005

**HOOKS
ADOPTED**

September 12, 2005

*Presentation by Doug Goddard, Executive Director of the
Tennessee County Commissioners Association of
recognition certificates to Commissioner Walter Bailey and*

**MALONE
ADOPTED**

1. Resolution welcoming Hurricane Katrina victims to Shelby County and encouraging citizens to continue our county's long-standing tradition of offering compassionate assistance to those in need.

**AVERY
ADOPTED**

2. Resolution acknowledging September 26, 2005 as "Family Day - A Day To Eat Dinner With Your Children", in conjunction with Columbia University's National Center on Addiction and Substance Abuse.

Ordinances

Zoning and Subdivisions

**LOEFFEL
ADOPTED
(A-I)**

3. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**KIRK
ADOPTED**

4. Resolution rescinding the sale of real property located on McAdoo Avenue, Parcel 037 0090 0 00040 0 from Prounited Realtors, LLC.

**KIRK
ADOPTED**

5. Resolution rescinding the sale of four delinquent tax parcels from tax sale (s) 12, 95.2, 98.2, and 99.5 pursuant to the provisions of the Tennessee Code Annotated 67-5-2507.

**KIRK
ADOPTED**

6. Resolution approving Shelby County Assessor's 2009 Four Year Reappraisal Plan.

**LILLARD
(DEFERRED
TO 10/10/05)**

7. Resolution establishing a limited program to maintain county owned properties in the New Chicago neighborhood of Memphis and Shelby County.

**LILLARD
ADOPTED**

8. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$68,283.50 to Homer Skelton Ford for the purchase of one 4x4 conversion cargo van for the Memphis Police Department.

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|-----------------------------|--|
| THOMPSON
ADOPTED | 10. Resolution approving a contract and the expenditure of funds from FY 2005/2006 operating budget to Otis Elevator Company in the amount of \$62,490.00 for maintenance of ten (10) escalators at the Shelby County Jail. |
| THOMPSON
ADOPTED | 11. Resolution approving an agreement between the City of Memphis, the Memphis Public Library and Information Center and Shelby County Government for the operation of the East Shelby branch library. |
| MALONE
ADOPTED | 12. Resolution approving exception to Resolution #15 adopted June 18, 1979, for the AFSCME Union Local 1733 waiving the ninety (90) day requirement for cards that are presented for the collective bargaining unit to be formed of the Head Start employees. |
| MALONE
ADOPTED | 13. A resolution repealing “a resolution establishing the policy for implementation of street paving requirements in the unincorporated areas of Shelby County and establishing street pavement construction standards” and establishing street paving construction standards in the unincorporated areas of Shelby County, adding the requirement of provision of the surface course by the developer and establishing a construction warranty for subdivision road construction. |
| MALONE
ADOPTED | 14. Resolution to request the Mayors and the legislative bodies of the six suburban municipalities in Shelby County to obtain information from the Shelby County School System regarding the school assignment, current enrollment, and projected enrollment of schools when considering the adoption of residential development. |
| LOEFFEL
ADOPTED | CONSENT AGENDA |

REGULAR AGENDA

Elections, Appointments, and Confirmations

- | | |
|----------------------------|--|
| LOEFFEL
ADOPTED | 15. Resolution receiving and filing oaths for the Chairman and Chairman Pro Tempore of the Shelby County Board |
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Zoning and Subdivisions

**LOEFFEL
ADOPTED**

17. **CASE NO. P.D. 05-335 CO**
APPLICANT: John W. Hyneman
- LOCATION:** North and south sides of Galloway
Levee Road at the Shelby/Fayette
County line.
- REQUEST:** A planned development to create 378
single family lots with a minimum lot
size of approximately 32,670 square
feet within the plan.

**Memphis and Shelby County Office of Planning and
Development recommendation:**

APPROVAL WITH CONDITIONS

**Memphis and Shelby County Land Use Control Board
recommendation:**

APPROVAL WITH CONDITIONS

**(Notice of public hearing published in the daily news on
Friday, September 16, 2005.)**

**LOEFFEL
ADOPTED**

18. **CASE NO. P.D. 05-342 CC**
APPLICANT: Michael Lightman Realty Company
- LOCATION:** West side of Centennial Drive
(proposed); +/- 600 feet north of
Winchester Road.
- REQUEST:** Planned development amendment to
create Area 'A-1' to allow limited
Planned Commercial (C-P) District
uses within the Outline Plan.

**Memphis and Shelby County Office of Planning and
Development recommendation:**

APPROVAL WITH CONDITIONS

**Memphis and Shelby County Land Use Control Board
recommendation:**

APPROVAL WITH CONDITIONS

**(Notice of public hearing published in the daily news on
Friday, September 16, 2005.)**

LOEFFEL

19. **CASE NO. P.D. 05-344 CC**

Memphis and Shelby County Office of Planning and
Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board
recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the daily news on
Friday, September 16, 2005)

**LOEFFEL
(DEFERRED
TO 10/10/05)**

20. **CASE NO. S.U.P. 05-205 CC**
APPLICANT: Edward T. Grinder

LOCATION: West side of Houston Levee Road; +/-
998 feet south of Macon Road.

REQUEST: Drive-In Restaurant

Memphis and Shelby County Office of Planning and
Development recommendation:
**APPROVAL WITH CONDITIONS, CONTINGENT
UPON THE PREPARATION OF AN ACCEPTABLE
GENERAL PLAN**

Memphis and Shelby County Land Use Control Board
recommendation:
APPROVAL

(No notice of public hearing or notice letters to
interested property owners required since there was no
opposition at the Land Use Control Board.)

Reports and/or Resolutions for Standing Committees

**KIRK
WITHDRAWN**

21. **Resolution to amend the contract with Business
Information Systems, to appropriate special revenue
funds in the amount of \$96,889.00.**

**WILLINGHAM
(DEFERRED
TO 10/10/05)**

22. **Resolution approving release of funds to the new
Memphis Arena Public Building Authority of Memphis
and Shelby County from swap proceeds custodial
account for settlement of legal claims and payment of
administrative expenses.**

MALONE

23. **Resolution that the Office of Planning and Development**

24. Notification from County Mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.
 - a. Resolution approving the County Mayor's nomination of John Oros for reappointment to the Memphis and Shelby County Convention Center Commission.
 - b. Resolution approving the County Mayor's nomination of Jack H. Morris for appointment to the Shelby County Healthcare Corporation.

Adjournment

**THOMPSON
ADOPTED**

25. Resolution of Adjournment to October 10, 2005, at 1:30 p.m.

AGENDA # 3

DATE: SEPTEMBER 26, 2005

3A

SUBDIVISION: APPLING COMMONS P.D. THIRD AMENDMENT, PHASE 4, AREA D, (P.D. 04-355 CC)

DEVELOPER: MID-AMERICA STUDENT HOUSING

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO APPLING COMMONS P.D. THIRD AMENDMENT, PHASE 4, AREA D, (P.D. 04-355 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: SOUTHEAST CORNER GOODLETT FARMS PARKWAY AND GARRETT RIDGE ROAD

3B

SUBDIVISION: BUCKINGHAM FARMS P.D., PHASE 24, PART OF PARCELS D AND G (P.D. 95-310 CC)

DEVELOPER: BUCKINGHAM FARMS, LLC

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO BUCKINGHAM FARMS P.D., PHASE 24, PART OF PARCELS D AND G (P.D. 95-310 CC)

LOCATION: EAST SIDE OF MEADOW VALE DRIVE; +148 FEET NORTH OF REDENBACHER LANE

3C

SUBDIVISION: FOUNTAIN BROOK P.D. PHASE 1 (P.D. 04-370 CC)

DEVELOPER: FOUNTAIN BROOK, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO FOUNTAIN BROOK P.D. PHASE 1 (P.D. 04-370 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: EAST SIDE OF BERRYHILL ROAD; ±200 FEET SOUTH OF HUNTINGTON OAK DRIVE.

3D

SUBDIVISION: FOUNTAIN BROOK P.D. PHASE 2 (P.D. 04-370 CC)

AGENDA # 3

DATE: SEPTEMBER 26, 2005

3E

SUBDIVISION: FOUNTAIN BROOK P.D. PHASE 3 (P.D. 04-370 CC)

DEVELOPER: FOUNTAIN BROOK, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO FOUNTAIN BROOK P.D. PHASE 3 (P.D. 04-370 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: EAST SIDE OF BERRYHILL ROAD; ±200 FEET SOUTH OF HUNTINGTON OAK DRIVE

3F

SUBDIVISION: FOUNTAIN BROOK P.D. PHASE 4 (P.D. 04-370 CC)

DEVELOPER: FOUNTAIN BROOK, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO FOUNTAIN BROOK P.D. PHASE 4 (P.D. 04-370 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: EAST SIDE OF BERRYHILL ROAD; ±200 FEET SOUTH OF HUNTINGTON OAK DRIVE

3G

SUBDIVISION: HIGHLAND POINT SUBDIVISION, FIRST ADDITION (S 04-064 CC)

DEVELOPER: LATTING ROAD PARTNERS, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO HIGHLAND POINT SUBDIVISION, FIRST ADDITION (S 04-064 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: ±730 FEET NORTHEAST OF THE INTERSECTION OF HUNTINGTON OAKS DRIVE AND BENA COVE.

3H

AGENDA # 3

DATE: SEPTEMBER 26, 2005

3-I

SUBDIVISION: ST. PAUL ROAD SOUTH SUBDIVISION (S 05-001 CO)

DEVELOPER: KENNETH KUHN

**ACTION: RESOLUTION TO APPROVE THE PLAT FOR ST. PAUL ROAD
SOUTH SUBDIVISION (S 05-001 CO) AND AUTHORIZE THE
RECORDING OF THE PLAT**

**LOCATION: SOUTH SIDE OF ST. PAUL SOUTH; BEGINNING ± 2500 FEET
WEST OF HERRING ROAD**

[For questions regarding the Agenda, please call Steve Summerall at 545-4301.]